with an antimicrobial agent-bearing intervention device. Rather, Suyeoka discloses a catheter placement unit including a catheter shield with a catheter and a needle positioned within the catheter, where the shield has a longitudinal slot of varying width to lock the needle in place in the shield and allow freeing of the catheter from the shield and the needle. (See, e.g., Suyeoka, Abstract, col. 1, line 63-73, and Figs 1, 2, and 8.) The shield is provided to maintain the sterility of the catheter and needle assembly. (Id., col. 1, line 74- col. 2, line 4.) According to Sukyeoka, the "shield enables the assembled needle and catheter to be manipulated and handled without contamination". (Id., col. 3, lines 57-60.) Thus, after reading Suyeoka, one skilled in the art would not have been motivated to modify Suyeoka to incorporate an antimicrobial agent-bearing intervention device into his device. Accordingly, one skilled in the art would not have been motivated to modify Suyeoka based on the disclosure of Utterberg in the manner suggested by the Examiner.

Further, again without conceding that Suyeoka could be properly construed as disclosing the other elements required by claims 1-4, 12 and 18-19, as admitted by the Examiner, Suyeoka does not disclose a delivery tube having a perforated longitudinal partition with an opening. (Office Action at 3.) Hence, for this reason also Suyeoka does not disclose the systems covered by these claims. In addition, contrary to the Examiner's position, there is no suggestion to modify Suyeoka to provide a system with a perforated longitudinal partition with an opening. Instead, Suyeoka discloses that, while his shield is flexible, it is also rigid. (See, e.g., Suyeoka, col. 1, lines 63-69 and Figs. 1 and 2). The shield includes a continuous slit with a large slot and a small slot. (Id., col. 3, lines 37-48 and Figs. 2 and 8.) The large slot can lock a needle thumb tag and thus immobilize the needle in the shield so that a catheter fin can be forced forward into the small slot in the shield to advance the catheter into the vein, after which the catheter can be released from the needle and remain in the vein. (See, e.g., id., col. 4, lines 11-42, col. 5, line 55-col. 6, line 12, and Figs. 1, 2, 7 and 8.) It is therefore apparent that the shield is rigid so that it can sustain the force used to which it is subjected under these use conditions, and the slots of varying width are specifically arranged to allow for the intended use of the device. Thus, after reading Suyeoka, one skilled in the art would not have been motivated to modify Suyeoka to

replace his continuous slit and slots with a perforated longitudinal partition with an opening. As a result, one skilled in the art would not have been motivated to modify Suyeoka based on the disclosure of Hall in the manner suggested by the Examiner. Even if one skilled in the art would have somehow been motivated to modify Suyeoka based on the disclosure of Hall in the manner suggested by the Examiner, which Applicants do not concede would have happened because Suyeoka and Hall are each directed to such different devices, the result would not have been a device having a perforated longitudinal partition with an opening, at least because Hall does not disclose a perforated longitudinal partition. Rather, Hall discloses a flexible peel-away sheath with at least one weakened area (e.g., in the form of perforations) in a non-longitudinal pattern for a catheter that is not susceptible to kinking and that efficiently transfers torsional loads throughout the sheath. (See, e.g., Hall at Abstract, paragraphs [0006] and [0008].)

None of Suyeoka, Utterberg, or Hall, alone or in combination, discloses or suggests the subject matter covered by claims 1-4, 12 and 18-19. There is no suggestion to combine these references to provide such subject matter, and, even if these references were combined, the result would not be the subject matter covered by these claims. Applicants therefore request reconsideration and withdrawal of the rejection of claims 1-4, 12, and 18-19.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Suyeoka in view of U.S. Patent No. 6,726,658 ("Hochman"). Claim 5 covers systems that include a delivery tube having a perforated longitudinal partition with an opening. As explained above, Suyeoka does not disclose or suggest such a system. Hochman does not cure Suyeoka's deficiencies, at least because, like Suyeoka, Hochman does not disclose or suggest a delivery tube having a perforated longitudinal partition with a hub opening. Thus, neither Suyeoka nor Hochman, alone or in combination, discloses or suggests the subject matter covered by claim 5. There is no suggestion to combine these references to provide such subject matter, and, even if the references were combined, the result would not be the subject matter covered by claim 5. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 14-16 as being unpatentable under 35 U.S.C. §103(a) over Suyeoka, Utterberg, Hall, and further in view of U.S. Patent No. 5,419,766 ("Chang"). Claims

14-16 cover systems including a delivery tube having a perforated longitudinal partition with a hub opening. As explained above, none of Suyeoka, Utterberg, or Hall, alone or in combination, discloses or suggests such systems. Chang does not cure these deficiencies, at least because Chang also does not disclose or suggest a delivery tube having a perforated longitudinal partition with a hub opening. Thus, none of Suyeoka, Utterberg, Hall, or Chang, alone or in combination, discloses or suggests the subject matter covered by claims 14-16. There is no suggestion to combine these references to provide such subject matter, and, even if the references were combined, the result would not be the subject matter covered by claims 14-16. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner also rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Suyeoka. Claim 17 covers systems that include an antimicrobial agent-bearing intervention and a delivery tube having a perforated longitudinal partition with a hub opening. As explained above, Suyeoka does not disclose or suggest the subject matter covered by claim 17. Thus, Applicants request reconsideration and withdrawal of this rejection.

Applicants believe the application is in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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